

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

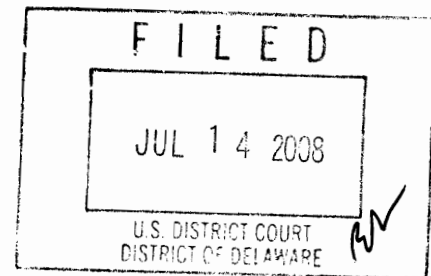
SYLVESTER MILLER,
Petitioner.

v.

PERRY PHELPS, Warden,
and ATTORNEY GENERAL
OF THE STATE OF
DELAWARE.

Respondents.

1:08-cv-178-GMS



Motion To Amend: Federal habeas corpus
Petition for relief:

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

SYLVESTER MILLER

V.

STATE OF DELAWARE

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)
)
)
)
)

Case No. 0408012099

MOTION FOR TRANSCRIPTS

COMES NOW, Sylvester Miller, the indigent, incarcerated pro se defendant, moves this Honorable Court for an ORDER directing that he receive one (1) photocopy of the previously prepared transcripts's of the following proceedings before the Court, at no cost to him:

- (a) The Trial Transcripts, including Opening and Closing Statement, all sidebar conferences or statements, and the Court charge to the jury.
- (b) The Sentencing Transcripts.
- (c) The Jury Selection and Voir Dire Transcripts.
- (d) The Transcripts of the Recording Video Tape Interrogation.
- (e) The Arrest Warrant of Probable Cause.

In support of the instant Motion, defendant states:

(1) That he is indigent and cannot afford the cost of either transcription or photocopying. The office of the Public Defender found him to be indigent at the trial level and more recently argues that any

doubt as to his indigency must be made as a matter of record so that determination is reviewable, as such a hearing on the matter is necessary. STACEY V. STATE, Del. Supr., 358 A. 2d 380.

(2) The transcripts are necessary for defendant to proceed with his appeal remedies that are guaranteed by both the Delaware and United States Constitutions.

(3) Defendant has asked Public Defender, David Facciolo, by letter on several occasion for copies of the transcripts that the Public Defender's Office has in its possession. Mr. Facciolo have refused these requests and has denied defendant the tools he needs to pursue his post-conviction remedies.

(4) Pursuant to Rule 26 (e and f) of the Delaware Supreme Court, it is possible for Defendant to obtain one (1) copy, free of charge, for appellate purposes, of the requested transcripts, provided that the Judge of this Court certifies the need for same.

(5) Defendant argues that he has (a) Constitutional Right(s) to free transcript(s). He does have a right to gain a meaningful review of all proceedings leading to judgment of conviction, GRIFFIN V. ILLINOIS, 351 U.S. 12 (1956). As well as to " open an inquiry inti the intrinsic fairness " of those proceedings, CARTER V. ILLINOIS, 329 U.S. 173,175 (1946). See also CURRAN V. WOLLEY, Del. Supr., 104 A. 2d 177,179 (1962)(applying CARTER); JONES V. ANDERSON, Del. Supr., 183 A.2d 177,179 (1962)(applying CURRAN). GRIFFIN rule that " destitute defendant's must be afforded as adequate appellate review as defendant's who have money enough to buy transcripts" Id. 351 u.s. 17, 76 S,CT 591).

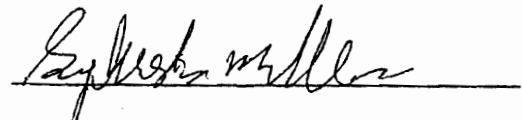
Moreover, in an " access to the Courts " context, the United States Supreme Court ruled that the " states must expend funds for transcripts " BOUNDS V. SMITH, 430 U.S. 817, 97 S.CT 1497.

Defendant has now established the necessary and importances of the requested record's. DAWSON V. STATE, Del. Supr., 673 A. 2d 1186,1197 (1996).

WHEREFORE, THE DEFENDANT RESPECTFULLY REQUESTS THIS HONORABLE COURT TO GRANT HIS MOTION FOR TRANSCRIPTS.

Respectfully submitted,

DATE: 11/21 2007



SYLVESTER MILLER, PRO SE,
SBI # 532861
D.C.C. 1181 PADDOCK RD.
SMYRNA, DE

19977

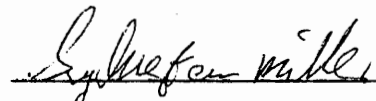
IN THE SUPREME COURT OF THE STATE OF DELAWARE

SYLVESTER MILLER,)	
Defendant/Below,)	
Appellant,)	
V.)	No. 595,2007
)	(Cr. ID No. 0408012099)
STATE OF DELAWARE,)	
Plaintiff/Below,)	
Appellee.)	

DESIGNATION OF TRANSCRIPTS

PLEASE TAKE NOTICE, that Defendant, Sylvester Miller, Pro Se, does hereby requests designation of the Trial Transcripts; Jury Selection and Voir Dire Transcripts; Transcripts of the Recording Video Tape Interrogation; and the Arrest Warrant of Probable Cause, pursuant to Supreme Court Rule 9(e)(iii).

DATE: 11/20 2007


SYLVESTER MILLER, PRO SE,
SBI # 532861
D.C.C. 1181 PADDOCK RD.
SMYRNA, DE
19977

Certificate of Service

I, SYLVESTER MILLER, hereby certify that I have served a true

And correct cop(ies) of the attached: DESIGNATION OF TRANSCRIPTS

_____ upon the following
parties/person (s):

TO: COURT REPORTER'S OFFIICE

SUPERIOR COURT

NEW CASTLE COUNTY COURTHOUSE

500 KING STREET

WILMINGTON, DE 19801

TO: _____

TO: CLERK OF THE SUPREME COURT

55 THE GREEN

P.O. BOX 476

DOVER, DE 19903

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 20 day of November, 2007

Sylvester Miller



IN THE SUPREME COURT OF THE STATE OF DELAWARE

SYLVESTER MILLER,

Defendant-Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

No. 595, 2007

ON APPEAL FROM THE DELAWARE SUPERIOR COURT
IN AND FOR NEW CASTLE COUNTY

APPELLANT'S SUPPLEMENTAL OPENING BRIEF

Dated: 2/19/08

Sylvester Miller
Sylvester Miller
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

2008 FEB 22 A 0 56

37. AN Grounds of Pure hatred, bias, Prejudice, and Racial Discrimination. The trial Judge use false accusation, and opinion admission over defendant truth, facts, and trustworthiness. To violate defendant Constitutional rights, abusive unjustly used of discretion by the Court, Criminal negligent and infidelity in denied defendant information and investigation, access to his money, house, jobs, and effective legal representation in the Court.
WRIGHT V. STATE, Del. Supr., 405 A.2d 685, 1979.

1. Vagueness challenges to Statute which do not involve First Amendment freedoms must be examined in light of the facts. U.S.C.A. Const. Amend. I.
2. Terms of a Penal Statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties, and a Statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. U.S.C.A. Const. Amend. 14.
3. First essential of due process embodies principle that Statute must be clear enough to notify person of what is lawful so that individual will be free to choose between lawful and unlawful conduct.
U.S.C.A. Const. Amend. 14.

The trial court used baseless, incompetent, concupis-
 cence, to commit genocide against defendant.

38. Defendant has written and articulated the facts to the Court in good faith and establish the truth and genuineness in the case in chief about my life of living, work, character, credibility, moral, spiritual background well validated authentication the truth nothing but the truth so help me God. Too long the Court and the State Department of Justice trap defendant and his race with the noose of the law because we don't have the knowledge of the law even when we are innocent with racial injustice.

William v. STATE, Del. Supr., 796 A.2d 1281 (2002)

2. ISSUES that are not fairly raised to the trial court are reviewed for Plain error. Sup. Ct. Rules, Rule 8.
3. Double Jeopardy as a Constitutional Principle, Provides the following Protections: (1) against Successive Prosecutions; (2) against multiple charges under separate statutes; and (3) against being charged multiple times under the same statute. U.S.C.A. Const. Amend. 5 Del. C. Ann. Const. Art. I § 8.
9. Character evidence is not admissible to show that a witness acted in conformity therewith; this is because there is a possibility that the jury may use the impermissible inference rather than the permissible evidence to convict the defendant. Rules of Evid., Rule 609(a)(2). INDICTMENT at A-5-A-10-A-11-A-11.
13. Prosecutor should avoid using the term "I" during closing argument, because it serves to emphasize for the jury that the prosecutor personally believes the point that is being submitted to the jury. at A-96 and A-106.

39. DETECTIVE DIANA SMITH, AT-A-89-11-12; A90-13-14-15-16; A91-17-18-19-20; STATE v. REYES, DEL. SUPER., 740 A.2d 7 (1999). Where Police officers who took defendant Jamaican national's Custodial Statement failed to inform defendant of his miranda, Fifth Amendment, and effectively inform defendant of his Constitutional to remain Silent and to inform defendant of his right under Vienna Convention on Consular Rights to contact Jamaican Consulate, Suppression of his Statement was required. Because the officer misconduct violate defendant constitutional rights, the video tape was made without defendant knowledge, or consent, with lies, bias, Presudice, abusive discrimination against defendant, Racial injustice based on Presudicial errors by the Police officers, State Department and the trial court with miscarriage of Justice against defendant.

40. DEBERRY V. STATE, 457 A.2d 744 (Del. Supr. 1983)
State's duty to disclose evidence includes duty to Preserve it as well rooted in due process Provisions of Federal and State constitutions. U.S.C.A. Const. Amend. 14; Del. C. Ann. Const. Art. 6 § 7. A-24-25. A-35.

State's duty to Preserve evidence extends not only to Attorney General's office but all investigative agencies local County and State. U.S.C.A. Const. Amend. 14; Del. C. Ann. Const. Art. 6 § 7.

FINK V. State, 817 A.2d 781 (2003) constitutional Prohibitions against double jeopardy Prohibit the state from charging the same offense repetitively in several counts. U.S.C.A. Const. Amend. 5. A-10-A-11.

461. DEFENDANT REACH AND UNDERSTANDING That the GRAND JURY and the State Department of Justice, the trial courts, the Police officers, Public defender DAVID J. J. Paecolo, Petit Jury of the State of Delaware Violated defendant moral, spiritual God giving liberty and freedom, and violated defendant Civil, State, and Federal Protected Constitutional rights of the United States Constitution. with lies, and false allegation of corrupt evil, and wicked charges by wife Michelle E. O'Gon, and her mother Martha Romanasco, by the way of Racial Discrimination, hate crime against defendant at her house in Florida Michelle call the Police, and use defendant daughter to make false allegation against her father that cannot be proven by facts in any year, month, week, day, or date, time, place, or age, defendant did not commit any element of crime against Alicia Miller, FRANKS V. DELAWARE, 438 U.S. 154 (1978) 57 L Ed 2d 667, 98 S. Ct. 2674. (1. 2. 3. 4. 5. 6-7-8-9-10-11-12.

462. defendant wife Michelle E. O'Gon, and her mother mix German and Jews, Michelle said her grandmother own slave on the Caribbean Island of Jamaica. The trial court abuse its discretion in admitting deceit, bias, incompetent, inaccurate, inadmissible evidence, defendant was abuse by State Prison Staff for eight months and turn into a zombie before trial. The Judge was disrespectful, disrupt, disregard, disreputable, disgraceful, against defendant. The unjust Judge omission genocidal noose that the state use against African American.

43. Defendant is suffering from constitutional violation, and human rights abuses by the State Department of Justice, Grand Jury, trial court, and Prison Staff of the State of Delaware without any Just Cause, with many false and illegal double jeopardy charges that never happen, by false information, without proper investigation.

United States, v. Leon, 104 S.Ct. 3405 (1984) ATA-11.

44. The Court denied defendant his rights to his ex-witnesses who lived and slept with Alicia Miller day and night, and denied his rights to present evidence in favor of his defense by the Public defender, and the State Prosecutor that made up the false allegation against defendant without Just Cause.

VASQUEZ V. HILLERY, 106 S.Ct. 617 (1986), Intentional discrimination in selection of Grand Jurors is a grave Constitutional trespass, possible only under color of State authority, and wholly within power of State to prevent. Even if a Grand Jury's determination of Probable cause is confirmed in hindsight by a conviction on indicted offenses, that Confirmation in no way suggests that discrimination did not impermissibly infect framing of indictment and, consequently, nature or very existence of proceedings to come. DAVIS v. United States, 93 S.Ct. 1577 (1973) 93 S.Ct. 1590 (1973)

93 S.Ct. 1652 (1973). For the court and the State to put defendant name on the sex offender list. It is a violation of defendant civil rights, defendant did not commit incest with daughter or any unlawful sexual abuse. Counsel was bias for his omission to his client.

46. On August 24, 2004 defendant got a letter from LAWRENCE M. SULLIVAN Public DEFENDER office, DAVID J. J. FACCIOLLO Assistant Public Defender. Said Please be advised that I have been assigned to represent you in the Superior Court on the charges of Rape I (three counts), Continuous Sexual Abuse, unlawful sexual contact II, Terroristic Threatening and Incest. miscarraige of Justice. defendant did not Rape, threaten or Commit unlawful Sexual Contact or incest with his daughter Alicia Miller. defendant was denied counsels and legal Assistance for his defense. Fenster v. State, Del. Super. 509 A.2d 1106 (1986) Defendant was denied his constitutional rights to cross examine michelle E. Ogonmartha Romasceos and Fiona Riley, and Florida Police officers that made false allegation to Delaware Police against Plaintiff. Fruit of Poinous tree doctrine. U.S. V. WHITLEY, 249 F.3d 616 (7th Cir. 2001) Fourth Amendment requires the trial court to conduct an evidentiary FRANKS hearing upon a defendants Preliminary Showing that: (1) the warrant affidavit contained false information (2) the false information was included in the affidavit intentionally or with reckless disregard for the truth; and (3) that the misrepresentations were necessary to the determination of Probable cause to issue the warrant. Racial injustices. U.S.C.A. Const. Amend. 6. "compel" as used in constitutional right to be free from being Compelled in a criminal case to be a witness against one's self means to be subjected to some coercion, fear, terror, inducement, trickery, or threat either physically or psychologically, blatantly or subtly.

47. The hallmark of Compulsion is the Presence of Some operative force Producing an involuntary response. defendant was denied the freedom of information acts in violation the first Amendment right.

48. U.S. V. HAMMOND, 351 F.3d 765 (6th Cir. 2003)

The good-faith exception to the exclusionary rule does not apply when (1) affidavit supporting search warrant contains knowing or reckless falsity, (2) the issuing magistrate fails to act in a neutral and detached fashion and serves merely as a rubber stamp for the Police, (3) affidavit does not provide the magistrate with a substantial basis for determining the existence of probable cause, or (4) the executing officer's reliance on the warrant was neither in good faith nor objectively reasonable.

U.S.C.A. Const. Amend. 4. Denial of Rule 16 Discovery.

49. defendant requesting all Grand Jury transcript and all defense counsel's file and state attorney's file for defendant defense in this case in chief.

50. O'NEIL V. STATE, Del. Supr. 691 A.2d 50 (1997)

To withhold exculpatory information at earlier stages of criminal Prosecution equally deprives defendant of opportunity to vindicate possible deprivation of his Constitutional Guarantees. U.S.C.A. Const.

Amends. 5. 14th Superior Court Criminal Rule 16.

51. The honorable court have no authoritative Jurisdiction over defendant innocence, defendant commit no crime against any American, or Jamaican or any one else in the world at large. illegal detention.

52. (Coercion when jury returned verdict 15 minutes after receiving Allen charge); Weaver v. Thompson, 197 F.3d 359, 366 (9th Cir. 1999) (Coercion when jury returned verdict 5 minutes after receiving Allen charge from bailiff). The Eighth and Ninth circuits have adopted a four-part test for determining the coerciveness of an Allen charge. The court must evaluate: (1) the form of the instruction; (2) the length of deliberation following the Allen charge; (3) total time of jury deliberations; and (4) indicia of pressure on the jury. See U.S. v. Walrath, 324 F.3d 966, 970 (8th Cir. 2003); U.S. v. Daas, 198 F.3d 1167, 1180 (9th Cir. 1999). The Tenth circuit has stated that relevant factors to consider in evaluating an Allen charge include: (1) The language of the instruction; (2) whether it was presented with other instructions; (3) the timing of the instruction; and (4) the length of the jury's subsequent deliberations. See U.S. v. Arney, 248 F.3d 984, 988 (10th Cir. 2001). But see e.g., U.S. v. Mannin, 79 F.3d 212, 222, 23 (1st Cir. 1996) (Coercion when judge responded to jury's indication of deadlock by asking if rereading testimony would help resolve deadlock because instruction coerced jurors into thinking they must deliberate until unanimous verdict reached); U.S. v. Burgos, 55 F.3d 933, 938 (4th Cir. 1995) (modified Allen charge given to deadlocked jury coercive because it stated that judge was not asking jurors to give up firmly held beliefs but asked jurors to think about it" because such remarks may more strongly influence

53. Jurors holding minority view); U.S. V. Robinson, 953 F.2d 433, 436-38 (8th cir. 1992) (modified Allen charge coercive because judge twice admonished jury minority to yield to majority but never admonished majority to consider yielding to minority and judge gave impression hung jury unpatriotic); U.S. V. McElhiney, 275 F.3d 928, 948 (10th cir. 2001) (Supplemental Allen charge coercive because court did not admonish jury regarding conscientiously held convictions and court emphasized its desire to have verdict reached because of the expense of trial and danger involved in trying case); U.S. V. Strothers, 77 F.3d 1389, 1391 (D.C. cir. 1996) (Allen Charge coercive because court issued antideadlock charge that omitted required admonition against any juror surrendering his or her honest beliefs still thought to be correct). For a habeas corpus petition challenging the Allen charge, the coercion must rise to the level of a constitutional violation rather than merely to the plain error standard used on direct review, see e.g., Boyd v. Scott, 45 F.3d 876, 883-84 (5th cir. 1994) see Chandler v. Fla., 449 U.S. 560, 574 (1981) (any highly publicized criminal trial presents risk of compromising defendant's right to fair trial); Sheppard v. Maxwell, 384 U.S. 333, 351 (1966) (jury's deliberations should be based on evidence in open court, not on external publicity). A risk of adverse effect is not sufficient to establish a constitutional violation. see Neb. Press, A instruction advising jurors to have deference for each other's views,

54. that they should listen, with a disposition to be convinced, to each others arguments; deriving its name from the case of Allen v. United States, 164 U.S. 492 17 S. Ct. 154, 41 L. Ed. 528, wherein the instruction was approved. VariouslY called dynamite charge, Shotgun instruction, third degree instruction. The allen charge is Prohibited in certain states; e.g. California. A-94- A-106, A-112.
56. Ass'n v. Stuart, 427 U.S. 539, 554-55 (1976) Ceven Pervasive adverse Publicity does not inevitably lead to unfair trial; tone and extent of Publicity also influence Jury's capacity for fair decision making and can be Shaped by Judges, attorneys, Police or officials). See (e.g.) U.S. v. Gray, 788 F.2d 1031, 1033 (4th cir. 1986) (reversible error because Court failed to inquire whether Jurors were actually exposed to newspaper articles highly Prejudicial to defendant); U.S. v. Beckner, 69 F.3d 1290, 1293 (5th cir. 1995) (reversible error when court failed to conduct adequate voir dire regarding Jurors' inquiry insufficient to discover Potential Juror bias); U.S. v. Thompson, 908 F.2d 668, 669-50 (10th cir. 1990)
57. United States v. Davenport, 753 F.2d 1460 (1985) To escape Brady Sanctions, disclosure of exculpatory evidence must be made at a time when disclosure would be of value to the accused. A-113. A-112.
58. The trial Judge Abuse his discretion for not granting a mistrial when the Prosecutor Present false, and double jeopardy charges about sexual oral, anal, and Vagina sex with defendant daughter Alicia miller, was complete false bias Prejudicial Racial Discrimination and injustices.

59. defendant commit no crime against society, or any one in it. The State made a grave, and dangerous mistake in such gross miscarriage of Justice, in violation of defendant Constitutional, this is Just to prove to the Court that bias, Presudice, hatred, and Racial Discrimination against defendant and his race and color of People Just a live as three hundred years ago, over my own Strength, my own flesh and blood, without Just cause. Eighth Amendment violation. Handy V. State, 930 A.2d 1111 2007.
60. Secret "grand jury" sessions, accuracy of which could not be tested by cross-examination; see, e.g., In re Boston's Children First, 244 F.3d 166, 171 (1st Cir. 2001) (due Process violated because Judge discussed ruling with Press such that impartiality could reasonably be questioned); U.S. v. Edwards-Franco, 885 F.2d 1002, 1005-07 (2d Cir. 1989) (due Process violated because Judge made Presudicial remarks about defendant nationality during sentencing); U.S. v. Whitman, 209 F.3d 619, 625 (6th Cir. 2000). ARIZONA V. WASHINGTON, 98 S.Ct. 824 (1978) U.S.C.A. Const. Amend. 5. 1739. see In re Murchison, 349 U.S. 133, 136-39 (1955) (due Process violated because Judge could not free himself from influence of Personal Knowledge of what occurred in Secret "grand jury" sessions.
61. Sheppard V. Maxwell, 384 U.S. 235 (1966) Courts must take steps by rules and regulations that will protect their processes from Presudicial outside interferences, and neither Prosecutors, defense counsel, accused, witnesses, court staff nor enforcement officers coming under jurisdiction of Court should be

62. Defendant State the facts, The grand Jury violate defendant constitutional rights with false accusation. and the court made constitutional error by the false, and misleading evidence that it use against defendant without Probable or Just cause.

SCHLUP v. DELO, 513 U.S. 298, 115 S.Ct. 851 (1995).

[] For a claim of actual innocence to be credible, Claim requires habeas Petitioner asserting actual innocence in successive or abusive Petition to support his allegations of constitutional error with new reliable evidence, whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical evidence, that was not presented at trial. Of greater importance, the individual interest in avoiding injustice is most compelling in the context of actual innocence. The quintessential miscarriage of justice is the execution * 325 of a Person who is entirely innocent. FN41 Indeed, concern about the injustice that results from the conviction of an innocent Person has long been at the core of our criminal justice system. That concern is reflected, for example, in the "fundamental value determination of our society that it is far worse to convict an innocent man than to let a guilty man go free." In re Winship, 397 U.S. 358, 372, 90 S.Ct. 1068, 1077, 25 L.Ed.2d 368 (1970) (Harlan, J., concurring). See also T. Starkie, *Evidence* 756 (1824) ("The maxim of the law is... that it is better that ninety-nine... offenders should escape, than that one innocent man should be condemned"). See generally Newman, *Beyond "Reasonable Doubt,"* 68 N.Y.U.L.Rev. 979, 980-981 (1993).

63. Defendant request that the honorable Supreme court respectfully compel, and command Mr DAVID J. J. FACCIOLO from the Public defender office of the State of Delaware and the Attorney of the State Department of Justice, and the Superior Court Judge the honorable William C. Carpenter Jr. the original Police report, affidavit, warrant, Rule 16 discovery, all Grand Jury transcript, Pretrial, and trial, Sentencing transcript, all false evidence that the State use against defendant and counsel file. To defendant, that the defense counsel's, and the State Department of Justice, failure to give to defendant before trial for his defense, In violation the due process clause of the Fifth, and Fourteenth Amendments rights of the United States Constitution.

LANE V. BROWN, 372 U.S. 477, 83 S.Ct. 768) 1963.

Equal Protection of the law requires that a State with an appellate system which makes available trial transcripts to those who can afford them must provide as adequate appellate review to indigent defendants. U.S.C.A.

Const. Amend. 14. AKE V. OKLAHOMA, 470 U.S.

68, 105 S.Ct. 1087) 1985. Elementary Principle that
 When a State brings its Judicial Power to bear on an indigent defendant, it must take steps to assure that defendant has fair opportunity to present defense, grounded in significant part on the Fourteenth Amendment's due Process guarantee of fundamental fairness, derives from belief that Justice cannot be equal where, simply as result of his poverty

a defendant is denied opportunity to participate meaningfully in judicial proceeding in which his liberty is at stake. U.S.C.A. Const. Amend. 14.

64. EVITT'S V. LUCEY, 469 U.S. 387, 105 S.Ct. 830 (1985).
 Page 14. Even the plurality in Griffin v. Illinois, 351 U.S. 12, 18-19, 76 S.Ct. 585, 590-91, 100 L.Ed. 891 (1956), simply held that the Due Process and Equal Protection Clauses protect indigents from "invidious discrimination" on appeal and that such persons "must be afforded as adequate appellate review as defendants who have money enough to buy transcripts." moreover, Justice Frankfurter whose concurrence was necessary to the decision, viewed the decision as a matter of equal protection. Id., at 21-22, 76 S.Ct., at 591-92: Denial of transcript.
65. Ineffective assistance of counsel's failure to
 investigate the strategic facts of defendant case rise to the level of constitutional errors. 1998 Alicia Miller, and Anthony Miller was sleeping in the same room on the same bed, and Elisabeth Miller sleeping in the same room on a small bed, defendant was not sleeping in a different room ~~from~~ wife Michelle, or Ann morie, or any other girlfriends, false and defective indictment by the State, and the Grand Jury. United States v. CRONIC, 466 U.S. 648, 104 S.Ct. 2039 (1984).
 If no actual assistance for the accused's defense is provided, the constitutional guarantee has been violated. U.S.C.A. Const. Amend. 6. PRIEST V. STATE OF Delaware, 227 A.2d 576 (1967) Page 5. [5] [6] [7],

66. POWELL v. STATE of Delaware, 527 A.2d 276 (1987).

Trial court should give proper limiting instructions when admitting expert testimony as to traits of child sex abuse victims. The State exhibit 1, 2, and 3, or false and tainted misleading evidence to the Jury.

August 2004 Alicia Miller and Anthony Miller was used to black mail and tells evil wicked lies on their father by ex wife Michelle E. Ogon, and her mother Martha Romasco, and Fiona Riley that was only in the State for two months. Michelle defendant ex wife is a crack head, and a prostitute, defendant caught her in a club dancing naked for money, and she was selling drugs, defendant speak to her about it, she killed defendant baby, steal my van, and tax money and fled to Florida Feb 3, 2000. appointed counsel's failure to investigate this case in chief. United States v. GRAY, 878 F.2d 702 (1989). Failure to conduct any pretrial investigation generally constitutes clear instance of ineffectiveness.

U.S.C.A. Const. Amend. 6. ESTELLE v. WILLIAMS, 425 U.S. 501, 96 S.Ct. 1691 (1976). Right to fair trial is fundamental liberty as secured by Fourteenth Amendment. U.S.C.A. Const. Amend. 14. STATE'S CLOSING Re. MARKS at A-96.

False, and misleading to the honorable court. MILLS v. SCULLY, 653

885 (1987).
F. Supp. Focus, in case in which defendant claimed that he had been deprived of fair trial by failure of either prosecutor or defense counsel to correct witness' false and misleading testimony, was not upon such failure, but upon effect of that failure upon trial. U.S.C.A. Const. Amend. 6.

67. Effect of failure to comply with transcript requirements. Without a transcript of the Pretrial hearing or trial, transcript causes defendant to not have a meaningful opportunity to present a complete defense.

Purpose of Paragraph (e) Paragraph (e) of this rule is addressed to the Problem of delays in the Prosecution of appeals caused by delay in the Preparation of transcripts. Beebe 180 SP v. Wilson 351 A.2d 861 Del (1976)

Effect of failure to comply with transcript requirements. Without a transcript of the Pretrial and trial transcript deprived defendant of adequate basis for evaluating the merits of claims consequently failure to comply with the rules Precluded appellate review Slater v. State, 606 A.2d 1334 Del (1992). From A-1- To A-135.

68. False indictments, bias and Prejudicial errors, human rights abuses, Purposeful Racial discrimination by the State department of Justice. defendant constitutional rights to Speedy trial was violated. SCOTT V. STATE of Delaware 521 A.2d 235 1987. In determining whether defendant's constitutional right to Speedy trial has been violated, court examines length of delay, reason for delay, defendant's assertion of his right, and Prejudice to defendant, U.S.C.A. Const. Amend. 6; Del. C. Ann. Const. Art. 1, § 7.

In Kimmelman v. Morrison, 477 U.S. 365, 387, 106 S.Ct. 2574, 2589, 91 L.Ed.2d 305 (1986), the Supreme court held that the total failure on the part of defense counsel to conduct

Certificate of Service

I, Sylvester Miller, hereby certify that I have served a true

And correct cop(ies) of the attached: APPELLANT'S SUPPLEMENTAL
OPENING BRIEF upon the following

parties/person (s):

TO: CATHY L. HOWARD, CLERK
SUPREME COURT, DE 19901
P.O. BOX 476
DOVER, DE 19903

TO: KEVIN M. CARROLL
DEPARTMENT OF JUSTICE
820 N. FRENCH ST.
Wilmington, DE 19801

TO: NEW CASTLE County
COUNSEL OF RECORD
C/O PROthonotary
SUPERIOR COURT
Carvel State Building
820 N. FRENCH ST.
Wilmington, DE 19801

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 19 day of FEBRUARY, 2008

Sylvester Miller

IN THE SUPREME COURT OF THE STATE OF DELAWARE
SYLVESTER MILLER,
Defendant / Below,
Appellants,
V.
STATE OF DELAWARE,
Plaintiff / Below,
Appellee.

NO. 595,2007

C Cr. ID NO. 0408012099

Motion FOR COUNSEL'S; Motion FOR extension of time.
Motion FOR DISMISSED of False and defective
Indictment. OR Motion FOR new trial. IN the
interests of Justice. FOR the following:
Violation of defendant civil, state, and Federal
Constitutional rights, of the State of Delaware, and the
United States constitutions.

- (1) denial of Counsel's at Police station house both
American and Jamaican. (2) Violation of Miranda rights.
- (3) denial of Police report. (4) denial of Rule 16 discovery
before trial. (5) denial of investigation. (6) denial of
important information before trial, when it was most
needed. (7) denial of witnesses that defendant request.
- (8) denial of Pretrial discovery and knowledge of Court
Proceedings. (9) denial of Phone Call by the Police Station
and the Prison staff. (10) defendant was denied DNA
Scientific Testing.

(11) This Motion is to All the Judges in the SUPREME COURT
to take special notice in the interests of Justice,
 I am Requesting the Removal of Judge William C.
 Carpenter Jr. and David J. J. FACCIOLO From my case.
 FOR misconduct, and Abuse of discretion. I do not want
 anything from the State for free, MY boss will pay
 for my transcript, Mr. Donald Shenn, 207
 MC DANIEL AVENUE, Wilmington, DE 19803.

Phone 302-478-3133. defendant Motion the (12)
 COURT FOR a ten years investigation into defendant
 life of living in the State of Delaware working and
 medical history. (13) defendant take know part in the
 appeal that the defense counsels file, have know knowledge
 of its proceedings, (14) defendant play know roll in the
 trial that take place in march of 2005, in a constitut-
 ional sense, (15) have know knowledge of the secret
 proceedings that conducted by counsels and the court, or
 copy's. (16) Defendant was denied his constitutional rights
 of due process of law. (17) denied food to eat, and basic
 commodity, (18) denied access to my own money, (19)

denied Phone call to my mother, wife, and my family SBI
 Number could not work in the computer, handcuff and
 chain up hands waist, and feet like a criminal or like
 some kind wild animal (20) cruel and unusual punish-
 ment with out any just cause. (21) bias prejudice and
 Racial hatred by strange people who know nothing about
 defendant. (22) from the day of August 11, 2004, I am
 suffering from Police brutality, human rights abuses, and
 illegal detentions violation of defendant constitutional rights.

(23) The GRAND JURY, AND the trial court was bias and Presudice against defendant in favor of lies, and false information from two white woman in Florida that used and abuse Alicia Miller to help tells lies on her Father.

(24) Counsel's unprofessional error at trial, fail to comply with defendant request for objection to unwritten letters, and timely objection to the state false witnesses. Conflict interest by defense counsel's violated defendant Sixth Amendment rights. (25) The trial Judge abuse is discretion and the fruits of the poisonous tree concepts in admitting the false evidence from Florida EVITTS V. LUCEY, 469 U.S. 387, 105 S.Ct. 830

Constitutional guarantee of effective assistance of counsel at trial applies to every criminal prosecution without regard to whether counsel is retained or appointed. U.S.C.A. Const. Amends. 6,

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Gideon v. Wainwright, supra, held that the Sixth Amendment right to counsel was "so fundamental and essential to a fair trial, and so, to due process of law, that it is made obligatory upon the states by the Fourteenth Amendment." Id., 372 U.S., at 340, 83 S.Ct. at 794, quoting BETTS V. BRADY, 316 U.S. 455, 62 S.Ct. 1252, 1257, 86 L.Ed. 1595 (1942); see also Powell v. Alabama, 287 U.S. 45, 53 S.Ct. 557, 77 L.Ed. 158 (1932); Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 146 (1938). Gideon rested on the "obvious truth" that lawyers are "necessities, not luxuries" in

- (25) our adversarial system of Criminal Justice. 372 U.S.
at 344, 83 S.Ct. at 796. "The very premise of our
 adversary system of Criminal Justice is that partisan
 advocacy on both sides of a case will best promote the
 ultimate objective that the guilty be convicted and the
 innocent go free." Herring v. New York, 422 U.S. 853.
862, 95 S.Ct. 2550, 2555, 45 L.Ed.2d 593 (1975).
 The defendant's liberty depends on his ability to present
 his case in the face of "the intricacies of the law and
 the advocacy of the public prosecutors" United States v. Ash,
413 U.S. 300, 309, 93 S.Ct. 2568, 2573, 37 L.Ed.2d 669 (1973);
 a criminal trial is thus not conducted in accord with due
 process of law unless the defendant has counsel to represent
 him. CFN 67 (26) Defendant was denied his transcript,
 and legal assistance to effectively proceed with his appeal
 and Postconviction relief. JACKSON v. State, Del.
Super, 654 A.2d 829 (1995) 1. 2. 3. 4. 5. 6. 7. 8. 9.
Superior Court Criminal Rule 61(D)(1). (27)
N.J. Super. L. 1994. Religious organizations have an
 interest in autonomy over their internal affairs,
 including freedom to run their own institutions.
Sabatino v. Saint Aloysius Parish, 654 A.2d 1033,
280 N.J. Super. 185. Daley v. Fayette County Housing
Authority, 654 A.2d 21. (28) Pa. 1995 Reasonable man
 must exercise care in proportion to danger involved in
 his act; thus, when reasonable man is presented
 instrumentalities, he must necessarily exercise higher
 degree of care proportionate to danger. — Stewart v. Watts,
654 A.2d 535.

"Highest degree of care practicable" is simply another way of phrasing standard of reasonable or ordinary care under circumstances. — Id. TIPPINS V.

WALKER, 77 F.3d 682 (2nd Cir. 1996)

3. Criminal Law — 641.13 (2.1) [3]

Del. Supr. 1995. Unless expressly and clearly indicated in contractual language, indemnitee cannot indemnify itself for its own negligence. —

Precision Air, Inc. v. Standard Chlorine of Delaware, Inc., 654 A.2d 403.

(29) Pa. Super. 1995. Where ambiguity exists in restrictive covenants, court may consider extrinsic evidence of parties' intent. — Perrige v. Horning, 654 A.2d 1183.

(30) Conn. App. 1995. ~~EXPERT~~ **EXPERT** opinion cannot rest on surmise or conjecture because trier of fact must determine probable cause, not possible causes; in other words, expert opinion must be based on reasonable probabilities. — Shegog v. Zabrecky, 654 A.2d 776, 36 Conn. App. 737.

(31) Pa. Super. 1994. To raise double jeopardy implications, prosecutorial misconduct must be deliberate, undertaken in bad faith and with specific intent to deny defendant a fair trial. U.S.C.A. Const. Amend. 5 Conn. v. Santiago, 654 A.2d 1062.

(32) FRANKS V. DELAWARE, 439 US 154, 57 L Ed 2d 667, 98 S Ct 2674
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.

(33) FINK V. State, 817 A.2d 781 (2003)
Constitutional Prohibitions Against double jeopardy prohibit the state from charging the same offense repetitively in several counts.
U.S.C.A. Const. Amend. 5.

(34) U.S. V. JARVIS, 7 F.3d 404 (4th Cir 1993)
Defense and objections such as former jeopardy, former acquittal, former conviction, limitations period, and immunity must be raised at some time in proceedings before district court, or issues will be forfeited Fed. Rules cr. Proc. Rule 12(b), (b) b 2), 12 notes, 18 U.S. C.A.

(35) MAPP V. OHIO, 367 U.S 643, 6 L ed 2d 1081, S Ct 1684. 6. The rule which excludes unconstitutional evidence from being admitted in a state criminal trial is an essential part of both the Fourth and Fourteenth Amendments.
[see annotation P. 15 kth, infra]

ALLEN V. STATE, Del. Supr., 644 A.2d 982 (1994)
Generally, trial judge's decision to admit evidence of prior bad acts is reviewed under abuse of discretion standard. Rules of Evid. Rule 404(b), Del. C. Ann.

- (36) DEFENDANT Motion The honorable SUPREME COURT FOR A criminal defense Attorney to defend his rights against false and illegal charges by the State Department of Justice. AND civil counsel's to defend and protect his civil rights that violated by his wife Michelle E. O'Gon. and her mother Martha Romasco that lived in Florida. And against Florida Police, Delaware Police that violated defendant civil liberties. The Police officer DIANA SMITH violated defendant miranda rights, When defendant request counsel's and did not wish to speak to her. They remove my first attorney without my knowledge. I don't know for what reason.
- (37) Now I am Requesting a Court appointed attorney. defendant was denied due process of law in the State COURT of his Fourth and Fourteenth Amendment rights. defendant constitutional rights was violated at the time of arraignment Feustere v. State, Del. 509 A.2d 1106 (1986); Van Arsdall v. State, Del. Supr., 524 A.2d 311 (1987).
- (38) Defendant challenging the warrant and indictment on grounds of hate crimes, bias prejudiced and Racial discrimination, and misstatement of false allegations to the grand Jury without any foundation in violation's of defendant 4th, 5th, 6th, 8th, 13th, and 14th Amend-ments. rights of the United States Constitution. Wainwright v. State, Del. Supr., 504 A.2d 1096, 1100 (1986).

(39) Defendant committed no Crime in the State of Delaware, new castle county to be Punish for, This is Gross Cruel and unusual Punishment in violation of defendant Eight Amendment, and due Process clause of the Fourteenth Amendment of the united States Constitution. The Charges, the sentencing, the Punishment, the deprive of his rights, medical care, dental care, deprive food, deprive of freedom without just cause. U.S. V. BAKER, 197 F.3d 211 (6th Cir 1999)

(40) U.S. V. PATTERSON, 258 F.3d 788 (8th Cir. 2001)
 When defendant claims that he was selectively Prosecuted because of his race, in violation of Equal Protection clause, it must show the law was not enforced when similarly situated individuals of a different race violated the law; defendant must also demonstrate that the government's decision to enforce the law was at least partially based race. U.S.C.A. Const Amend. 14, (6. Jury 33(5.15)
 Government is Prohibited from exercising a peremptory Strike to remove a juror based on his or her race.

(41) Ineffective assistance of counsel's (1) abuse of discretion, (2) default, failure to fulfill an obligation to his client, (3) failure to object to prosecutor comments on defendant body language in violation of defendant Fifth Amendment rights (4) counsel fail to give defendant any advice in the law, or call defendant witnesses, bias and prejudiced to defendant's substantial rights.

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U.S. v. LORE, 1630 F.3d 190 (3rd Cir. 2005)

Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354,

158 L. Ed. 2d 177 (2004). we exercise Plenary

review over confrontation clause challenges.

United States v. Trala, 386 F.3d 536, 543 (3d Cir. 2004)

(internal citation omitted). if evidence was

admitted in contravention of Lore's confrontation

rights we must consider whether the error was

harmless beyond a reasonable doubt. see Lilly v.

Virginia, 527 U.S. 116, 140, 119 S.Ct. 1887, 1901, 144 L.

Ed. 2d 117 (1999); United States v. Hinton, 423 F.3d

355, 362 (3d Cir. 2005. U.S. v. ORENUGA, 1630 F.

3d 1158 (D.C. Cir. 2005) The Supreme court

long has recognized that the confrontation

Clause guarantee - CHAMBERS v. MISSISSIPPI,

93 S.Ct. 1038 (1973) In the exercise of his

right to present witnesses in his own defense,

the accused, like the state, must comply with established

rules of procedure and evidence designed to

assure both fairness and reliability in the

ascertainment of guilt or innocence.

Miranda v. State of ARIZONA, 86 S.Ct. 1602 (1966)

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Constitutional rights to assistance of counsel and

protection against self-incrimination were secured

for ages to come and designed to approach immor-

talities as nearly as human institutions can approach

it. U.S.C.A. Const. Amendments-5, 6.

(44) This motion to the honorable Supreme Court Judges to address these issues prompts (1) denied medical care and assistance from 2004 at Howard R. Young Correctional Institute, 1301 East 12th Street Wilmington DE 19809, denied of my medical treatment, from my accident Feb 2004, Clark and Progressive Insurance, and other medical issues, and (2) dental care denied of proper dental care, (3) blood tests, (4) defendant medical record denied of by medical staff, (5) denial of X-rays, (6) when defendant put in sick calls they take up to six months or more to answer, (7) When defendant put in grievance is the same or even worse take more than six months to answer if they lost the record the medical staff told me to put in new sick or new grievance, (8) defendant have many grievance to bring to the court to address these issues, (9) defendant have being denied outside medical care and examination and X-rays.

(45) Defendant is challenging the false evidence the Grand Jury and the State Department of Justice use against him, because defendant is entirely innocent of all these charges, fundamental miscarriage of justice, and constitutional errors caused by defense counsel's and deputy attorney general from the State Department of Justice, without any scientific or trustworthy evidence. (46) No rational trier of fact could have found proof of guilt beyond a reasonable doubt, misguided by the trial judge and the state attorney.

- (44) defendant was denied some one to interpret the English language of the court to defendant about the nature of these proceedings that the court conduct behind and before defendants. A court appointed Attorney or a teacher to interpretable, interpretation, interpretative, denial of due process of law.
- (45) Abuse of discretion by the court and intentionally misconduct fail to investigate that defendant don't understand the English language, doctrine of the court or its laws and the nature of their proceedings. Defendant
- (46) Have knew understanding of Judge or Jury trial, the nature of their proceedings are how they conducted, defendant don't know how to select Jury or how a Jury selection should be conducted for a case.
- (47) defendant don't have knew understanding about first, second, third, or fourth degree charges, defendant never commit any of those crimes in his life time never lock up before, have no criminal history to speak of misconduct and misunderstanding by the Police officers, and miscarriage of Justice by the honorable court in violation the due process clause 5th and Fourteenth Amendments. 14, of the united States Constitution.

- (47) SCHLUP V. DELO, 513 U.S. 298, 115 S.Ct. 851
ENCL. Steiker, Innocence and Federal Habeas,
41 UCLA L.Rev. 303, 377 (1993); see also
id. at 377, n.370 (collecting cases).

Of greater importance, the individual interest in avoiding injustice is most compelling in the context of actual innocence. The quintessential miscarriage of Justice is the execution* 325 of a Person who is entirely innocent. ^{ENCL} Indeed, concern about the injustice that results from the conviction of an innocent Person has long been at the core of our Criminal Justice system. That concern is reflected, for example, in the "fundamental value determination of our society that it is far worse to convict an innocent man than to let a guilty man go free." In re Winship, 397 U.S. 358, 372, 90 S.Ct. 1068, 1077, 25 L. Ed. 2d 368 (1970) (Harlan, J., concurring). See also T. Starkier, Evidence 756 (1824) ("The maxim of the law is ... that it is better that ninety-nine ... offenders should escape, than that one innocent man should be condemned"). See generally Newman, Beyond "Reasonable Doubt," 68 N.Y.U.L. Rev. 979, 980-981 (1993).

- (48) SKINNER V. STATE of Delaware, 575 A.2d 1108) 1990.

[5] The fourth factor, prejudice to defendant caused by the delay, "should be assessed in the light of the interests of defendant which the speedy trial right was designed to protect."

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Baker v. Wingo, 407 U.S. at 532, 92 S.Ct. at 2193, 33 L.Ed.2d at 118. The United States Supreme Court described those interests to be "(i) defendant pretrial was Burdensome, unjustly severe, tyrannical incarceration; (ii) defendant suffering from physical abuse by Prison staff, and mental distress, from unjust incarceration; (iii) ineffective assistance of incompetent and impaired defense counsel's. Id. As to defendant first interest, defendant incarceration was bias, prejudice, oppressive, segregate from legal assistance how to get his own Counsel, Segregate from due Process of the law, Segregate from my house, medical records, information, evidences, investigation, money, bank account, Phone calls, Doctor, Dentist, bosses, friends, families in America, Canada, England, and Jamaica, Put in a I.F. Pod at Howard R. Young Correctional center for 12 month, Racial segregation, denied medical assistance, defendant don't know anything about Police and Prison, and did not have anyone to make Complaint to, defendant suffer prejudice from the denial of effective Legal assistance of Counsel's in violation of the 5th and 14th Amendment rights of the United States Constitution. It is more than 36 month of Police brutality, human rights abuses by the State of Delaware, and miscarriage of Justice by the Court. From May 2005 defendant requesting transcript, and Counsel's file, the Superior Court denied defendant access to those files, and denied defendant the rights to defend himself.

(50) Defendant responding to the trial Judge comments to many of defendant motion for his transcript, warrant, Police reports, Superior Court Rule 16 discovery, Pretrial discovery, information, affidavit, Phone call, video taped, hand written letter, State expert, any statement that the State intent to use at trial against defendant. The trial Judge was a stumbling block that cause many errors to defendant case by appointed incompetent counsel's that is bias prejudice against colored and minority race of people in this country even when they are innocent. the attorney that the court appointed to my case is nothing more than an infidel and a heathen, that do not care about defendant interests, freedom, liberty, rights, family, races, colors, health, cultured, the trial Judge remarks that I will die in a Pagan Prison for my own child that I did not commit a crime against or abuse. the trial Judge was bias prejudice, unfaithful, take disadvantage against defendant, defendant did not even go to school for 5 years of his lifetime or graduate from any High School, dont even have a GED. The Judge give incorrect instruction to the jury. The Judge know full well that defendant request counsel, and should not be question by the Police officers. August 10, 2004 defendant was in Philadelphia working for his boss, Dan Shinn and was not in Police custody, the arrest date is wrong, too many lies and errors in this case.

- (51) GRAND / PETIT JURIES Ineffectiveness
Hollis v. Davis, 912 F.2d 1343 (11th Cir. 1990).
 Trial counsel's failure to contest the composition of grand and petit juries, where jury imposed a 92 years sentence on a innocent Jamaican national from a Jamaican Christian family that come to this country and commit no crime, defendant established that systematic exclusion of blacks from jury resulted in prejudice, and constituted ineffective assistance of counsel.
- (52) Prejudicial Publicity, Due Process requires that all Parties to an action, civil or criminal, receive a trial by an impartial jury or tribunal free from outside influences. Extensive newspaper, radio and television coverage of a criminal trial may deprive the defendant of a fair trial. see GAG orders; Trial (Trial by news media).
- (53) Critical Stage. Critical stage in a criminal proceeding at which accused is entitled to counsel is one in which a defendant's rights may be lost, defenses waived, privileges claimed or waived, or in which the outcome of the case is otherwise substantially affected. Test of "critical stage" of criminal proceeding as it relates to right to counsel is whether proceeding either requires or offers opportunity to take procedural step which will have prejudicial effects in later proceedings, or whether events transpire that are likely to prejudice ensuing trial. see also counsel, right to; custodial interrogation.

- (54) Compulsory self-incrimination, Any form of coercion, physical or psychological, which renders a confession of crime or an admission involuntary, is in violation of the 5th Amend. U.S. Const. and due process clause of 14th Amend. Such practices contravene the very basis of our criminal jurisprudence which is accusatorial not inquisitorial.
- (55) U.S. v. Devlin, 13 F.3d 1366, 1364 (9th Cir. 1994) (failure to provide transcript of pretrial suppression hearing to indigent defendant was prejudicial, mandating reversal). 749 U.S. Const. amend. V.
U.S. v. Sells Eng'g, Inc., 463 U.S. 418, 423 (1983); see, e.g., In re Imboden, 241 F.3d 308, 312 (3^d Cir. 2001) (Grand Jury belongs to no branch of government but serves as referee or buffer between government and People); U.S. v. Suarez, 263 F.3d 468, 481 (6th Cir. 2001) (institution of Grand Jury protects defendant from prosecutorial vindictiveness). For more information on the procedural requirements for Grand Jury indictments, see indictments in this Part. See Costello v. U.S., 350 U.S. 359, 363 (1956). Fed. R. Crim. P. 6(a)(1). The Jury Selection and Service Act of 1968 controls the impanelment process. See 28 U.S.C. §§ 1861-1878 (2000). Section 1865 provides that a person shall be deemed legally qualified to serve as a grand juror unless the person; (racial discrimination in selection of Grand Jury strikes at fundamental values of judicial system and society by denying defendant right to equal protection of laws and

(56) remains valid ground for setting aside proper conviction). 765. See Castaneda v. Partida, 430 U.S. 482, 494 (1977). Erroneous reduction in number of Peremptory challenges provided by Fed. R. Crim. P. 24(b) may constitute reversible error on direct appeal; U.S. v. Beasley, 48 F.3d 262, 268 n. 5 (7th Cir. 1995) (erroneous refusal to strike jurors for cause arguably deprives defendant of statutory right to Peremptory challenges under Fed. R. Crim. P. 24(b)); U.S. v. Annigoni, 96 F.3d 1132, 1144 (9th Cir. 1996) (enhanced) (denying defendant right to use Peremptory challenges because prosecution used 6 of 8 Peremptory challenges to strike African American venire persons even though 5 African Americans seated on jury); Lancaster v. Adams, 324 F.3d 423, 434 (6th Cir. 2003) (allowing 1 African American juror does not preclude inference of discrimination); Mahaffey v. Page, 162 F.3d 481, 484-85 (7th Cir. 1998) (inference of discrimination because State used its Peremptory strikes to exclude all 7 African American members of jury venire, leaving no member of defendant's race on jury and crimes at issue were racially sensitive); Fernandez v. Roer, 286 F.3d 1073, 1079-80 (9th Cir. 2002) (inference of discrimination because prosecutor struck 4 of 7 prospective Hispanic jurors and the only 2 prospective African American jurors); U.S. v. Joe, 8 F.3d 1488, 1499 (10th Cir. 1993) Saint Francis College v. Al-Khazraji, 481 U.S. 604, 1073 Ct. 2022, 95 L.Ed.2d 582 (1987)

(57) Batson v. KENTUCKY, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed. 2d 69 (1986), Per POWELL, J. — declining to follow Swain because it “has placed on defendants a crippling burden of Proof” held that, using the same “Combination of factors” as in cases like Castaneda, “a defendant may establish a Prima facie case of Purposeful discrimination in of the Petitioner solely on evidence concerning the Prosecutor’s exercise of Peremptory challenges at the defendant’s trial. [Then], the burden shifts to the State to come forward with a neutral explanation for challenging black jurors. [T]he prosecution’s explanation need not rise to the level justifying exercise of a challenge for cause. [B]ut the Prosecutor may not rebut the defendant’s Prima facie case of discrimination by stating merely that he challenged jurors of the defendant’s race on the assumption or his intuitive Judgment that they would be partial to the defendant because of their shared race, [because the] core guarantee of equal protection, ensuring citizens that their State will not discriminate on account of race, would be meaningless” if this were permitted.

(58) WYGANT v. JACKSON Bd. of Educ., 476 U.S. 267, 106 S.Ct. 1842, 90 L.Ed. 2d 260 (1986), invalidated a layoff provision (Article X11) of a collective bargaining agreement between a Michigan School board (that had not been found to have previously engaged in racially discriminatory hiring practices) and a teacher’s union — that “teachers with the most seniority [shall] be retained except that at no time will there be a greater percentage of minority personnel laid off than the

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current percentage of minority personnel [defined as "those employees who are Black, American Indian, Oriental, or of Spanish descentancy"] employed at the time of the layoff." Powell, J., announced the judgment and an opinion joined by Burger, C.J., and Rehnquist and O'Connor JJ.: "We must decide whether the layoff provision is supported by a compelling state purpose and whether the means chosen to accomplish that purpose are narrowly tailored. ***

"This court never has held that societal discrimination alone is sufficient to justify a racial classification. Rather, the court has insisted upon some showing ~~of prior~~ of prior discrimination by the governmental unit involved before allowing limited use of racial classifications in order to remedy such discrimination [See] Swann. [The theory of the courts below -] that the Board's interest in providing minority role models for its minority students, as an attempt to alleviate the effects of societal discrimination, was sufficiently important to justify the racial classification embodied in the layoff provision [-] has no logical stopping point. The role model theory allows the Board to engage in discriminatory hiring and layoff practices long past the point required by any legitimate remedial purpose. Indeed, by tying the required percentage of minority teachers to the percentage of minority students, it requires just the sort of year-to-year calibration the court stated was unnecessary in [Swann].

(60) The complaint and arguments defendant is making to the honorable court that defendant and his race is denied EQUAL PROTECTION of the laws of the State of Delaware, and of the United States constitution by purposeful discrimination against members of each of these minority groups, include blacks, Orientals, American Indians, and persons of Spanish descent, denied of proper education, medical care, jobs, equal protection of the laws, and their due process rights of their 1st, 4th, 5th, 6th, 8th, 14th Amendments of the States, and of the United States constitution.

(61) The Grand Jury and the Superior Court of the State of Delaware have committed a great austerity against defendant by false allegation that cannot be proven because it just never happen, and it will never happen. bias prejudice, hateful, wicked, evil pure hatred by the Grand Jury, and the State Department of Justice, and all the above defendants, why the State attorney present so many lies, and misstatements of the facts to the court that never happen, defendant wish to bring all the above defendant to justice, first start with x wife michelle E. Ogon, martha Romasco, Fiona Riley, I don't want to hear that they fled the country, I demands that the State find them and bring them back to this country in the interests of justice, and the well being of all of my children include Elijah S. Miller that michelle E. Ogon kidnapped and take from the State of Delaware and the baby she killed before she fled to Florida.

(62) defendant asking for his release from the U.S. Federal Government the U.S. Constitution is based on the idea of federalism. Under federalism the authority of the Government is divided between the states and a central government. The central government is further divided into three branches: the legislative which makes the laws; the executive which carries out the laws and the judicial, which interprets the laws. Under this separation of powers, no one part of government is able to dominate another. Each branch of government is able to exert its authority to prevent another branch from becoming too powerful.

(63) STRICKLAND V. WASHINGTON, 466 U.S. 668, 106 S.Ct. 2052, 1984. 11

In a long line of cases that includes Powell v. Alabama, 287 U.S. 45, 53 S.Ct. 55, 77 L.Ed. 158 (1932), Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1069, 82 L.Ed. 1461 (1938), and Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed. 2d 799 (1963), this Court has recognized that the Sixth Amendment right to counsel exists, and is needed in order to protect the fundamental right to a fair trial. The Constitution guarantees a fair trial through *685 the Due Process Clauses, but it defines the basic elements of a fair trial largely through the several provisions of the Sixth Amendment, including the Counsel Clause: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial,

- (64) by an impartial Jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

Thus, a fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues defined in advance of the proceeding. The right to counsel plays a crucial role in the adversarial system embodied in the Sixth Amendment, since access to counsel's skill and knowledge is necessary to accord defendants the "ample opportunity to meet the case of the Prosecution" to which they are entitled. Adams v. United States ex rel. McCann, 317 U.S. 269, 275, 276, 63 S.Ct. 236, 240, 87 L.Ed. 268 (1942); see Powell v. Alabama, supra, 287 U.S. at 68-69, 53 S.Ct. 63-64.

- (65) Defendant commit no crime, and was denied the equal protection of the law by the Court and the State Department of Justice. Davis v. Washington, 126 S.Ct. 2266 (2006). Davis involved two different cases with claims based on Crawford v. Washington, 541 U.S. 36 (2004),

- (66) the state charge defendant with continuous abuse of a child 1st of January 1995 when alicia was living in Jamaica Structural errors. MACH v. STEWART, 129 F.3d 495 (1997). False and defective indictment.

(67)

Defendant don't believe Alicia provided the Florida Police with a handwritten Statement describing how and when about any sexually assault, defendant did not see the handwriting, defendant object to the handwriting and demand his rights to see those handwriting and inspect by a handwriting expert.

(68)

defendant have no sexual contact with Alicia miller 1995, 2003, or 2004, no time in the child life. All these charges is against my religion, sodomy, I Pray that God struck down every one that committed those sins, my wife know that I don't do those things, and I hate all who do them with a perfect hate, defendant don't kiss woman Private Parts, I Pray that God curse all who commit those acts and remove them from the earth. Tony V. Gammon, 79 F.3d 693 (8th Cir. 1996) Habeas Petitioner was entitled through discovery to access to State's evidence to conduct DNA and other scientific testing, court's denial of discovery is an abuse of discretion if discovery indispensable to a fair, rounded development of material facts. Defense counsel failed to investigate pretrial discovery that Alicia was still sleeping with her brother at age 9 and 10 years old, and michelle and defendant bed room right next to the children's bedrooms and Spencer watson lived with us and Alicia was also sleeping with her grand mother mayelin wallace.

- (69) defendant requested that the detective DIANA Smith return defendant wallet that was taken from him August 11, 2004 \$200-visa-credit cards, son picture, Girl friend Ann movie picture, copy of birth certificate, Jamaican bank, Jamaica national bank, where defendant did not have any understanding what the police was doing to him or where they was taken him to, or for what reason. defendant have know knowledge of the video tape that the Police made and how she made it, I did not know when the Police made the video taped.
- (70) defendant requesting some one from the court to interpret in English language everything that the Police officer, defense counsel, and the State attorney has do to defendant. In the interest of Justice defendant move and respectfully ask that this honorable court the detective DIANA Smith remove from active duty, and the defense counsel and State attorney from the Delaware B. Association, and turn over every piece of false evidence that the State use against defendant. DUNCAN V. State of LOUISIANA, 88 S.Ct. 1464 (1968)
- the due Process clause of Fourteenth Amendment protects right to compensation for property taken by State; rights of speech, press, and religion covered by First Amendment; Fourth Amendment rights to be free from unreasonable searches and seizures and to have excluded from criminal trials any evidence illegally seized; right guaranteed by Fifth Amendment to be

(71)

free of Compelled self-incrimination, and Sixth Amendment rights to; defendant is calling for the removal of the trial Judge for the following:

- (1) abuse of his discretion, (2) lack of understanding,
- (3) biased & prejudiced and no good faith, (4) Racial injustice, (5) failure to Judge or understand that defendant is a innocent man, (6) failure to do his duty as a Judge,
- (7) abuse of the Power of the court, (8) misconduct, and constitutional errors, (9) failure to Judge that defendant did not abuse his daughter Alicia Miller, or touched her in any improper ways, (10) failure to appoint effective Court appointed Counsel, and interpreter to interpret the language of the court in English to defendant. (11) The State Department of Justice, and its Grand Jury, and the Superior Court Judge William C. Carpenter Sr. Abused their discretion, and in violation of defendant State, and Federally Protected Constitutional rights of the treaties of the United States of America, Jamaica, and the Commonwealth of England. defendant grandmother is a white English Doctor that come to Jamaica in the 1920 and married to my grand father, now in this I am asking for assistance from my family in England, and the Jamaican Government, and the American Government. For defendant is innocent of all these unwanted evil charges. (12) I would like to take my case to the world court with the legal corporation of the United States, Jamaican Government, an England.

- (72) Defendant Request that the State return his House and everything that was in their, When we have no understanding of the false accusation against defendant by the police officers. this is nothing more than Police misconduct, lynching, black-mail, and embarrassment against defendant and family. Just like Judas betray for the position he was stealing the money from the church and Christ speak to him about it, he sold Christ for 30 pieces of Silver but it was know use to him to sell his soul to the Devil.
- (73) The evidence from the Police is Poisonous fruits, and misstatement of false evidence to the Jury, and the court by the State attorney Prosecutor against defendant that never happen in mine or my children life; all the civil servant that work for the State of Delaware that make false statement against defendant and lay Person too, the Police and the State believe the Criminal and prostitute that steal my money lived in my house for more than a month and Fled the country, and the Court fail to acknowledge that they put innocent man in their Prison, cruel and oppressive Punishment for know cause, or justification for the violation of defendant rights. From I was 18 years old I give my life, heart and soul to Jesus my lord and savior, I have nothing to with Lucifer and his falling angels, idolatry wickedness, witchcraft, immorality, defendant is asking for full restitution from the State Department of Justice, defendant respectfully ask that the State take full responsibility for its actions.

- (74) Detective DIANA Smiths and other Police officers from new castle Police Station has violated defendant Miranda rights on 8/11/2006 for know reason with out Probable cause, defendant was deprived of his Constitutional guarantee Protection, and Privilege against Self-incrimination, by the Police officers, Grand Jury, Deputy Attorney General, trial Judge, and defense counsel that appointed by the Superior court of the state of Delaware.
- (75) The Police officer secretly make a video tape of defendant and turn it over to the state with out defendant knowledge in violation of defendant Fifth Amendment right.
- (76) On June 13, 1966, Chief Justice Earl Warren delivered the Supreme court's five-to-four decision in the case of *Miranda v. Arizona*. Speaking for the majority, he said, "When an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized," and to guarantee protection for the privilege, the court had decided that any suspect who met these conditions "must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires."

(77) Actually, all the Miranda decision did was assure to the uninformed and the poor the same rights that reasonably knowledgeable and prosperous citizens had asserted all along. But bitter and persistent attacks—originated in large measure by policemen and prosecutors who had failed to do their jobs properly in the first place, and then taken up by the right wing as a handy weapon to belabor the “Warren Court” with for a number of its decisions—finally convinced most conservatives and even many moderates that the Court had done something wildly radical. Finally, resentment against the Court reached such inflated proportions that Congress, under the leadership of Senator McClellan, passed a law overturning the Miranda ruling. Since 1803, when the Court decided *Marbury v. Madison*, the Supreme Court had been accepted as the final arbiter of what the Constitution meant, and it had been assumed from that point on that Congress could not legislatively overturn any of its rulings. It was also assumed that Congress's attempt to do that in the Miranda case would be rejected by the Court as unconstitutional and a usurpation of the judiciary's rights. On this assumption, which was widely shared by legal experts, Attorney General Clark refused to allow the McClellan law to be used by the Department of Justice, fearing that if it was followed hundreds of convictions obtained by the Department would later be thrown out by the Court, he ordered all government agents and prosecutors to continue using the Miranda rule.

- (78) Motion TO SUPPRESS, TO STRIKE ALL FALSE AND
 Corrupted, irrelevant, inadmissible, incompetent,
 incommunicative, incomplete, inconclusive, inconsequent,
 inconsistent evidence that was made against defendant.
- (79) The State Department of Justice, on grounds of Racial
 injustice, injurious, causing injury tending to injure;
 hurtful; harmful, defile, definition, of defendant
 Character in every ways of life, and freedom and
 liberty without any just causes.
- (80) Defendant is challenging the evidence that was giving
 to the Grand Jury by Michelle E. D'Gon, Martha Romasco,
 Alicia Miller, Fiona Riley, Anthony Miller, and
 the Detective Police ~~Diana Smith~~, what was giving,
 and where it was giving, and which person or persons
 first made these allegations, against defendant.
 defendant cannot move this appeal forward with
 all transcripts, and all pieces of false evidence that
 was made against defendant by the state are was
 use by the state against defendant secretly and
 deceptive, tending to deceive, misleading, false;
 delusive, carnally; carelessness, this case infected
 with constitutional errors. The criminal law is carnally
 Corrupt, It do not protect innocent people, when
 Police deprive them of their rights.

- (81) DAVID J. J. FACCILOLO (#2024) Assistant Public Defender, and Detective DIANA Smith from new castle Police Station conspire and use the video tape ~~that~~ was made in secret without defendant knowledge or Consent in violation of defendant miranda, and Fifth Amendment rights. Conspiracy without any investigation, or any legal assistance to defendant, and MARK B. CHERNEV Deputy Attorney General, From the State Department of Justice as coconspirator that Comment on false evidence at trial and at Sentencing, and throughout Pretrial Proceedings, in violation of defendant Fifth and 14th Amendments rights of the United States Constitution.
- (82) Defendant was not indigent it is in competent and Disadvantaged by the defense counsel's, and the State Department of Justice, misconduct by the Police and Violation of Due Process of law. Lack of proper investigation that let Fiona Riley Steet defendant money and left the country, and failure to bring Michelle E. Ogon to Justice because she is white. She can commit hate crime, Racial discrimination, Steel defendant money, and use defendant for identity theft, and Fled to Florida, and the State Department failed to investigate Michelle E. Ogon, and bring her to Justice. I am not giving up until she return my son, and pay defendant his money that she Steel-

- (83) Defendant is denied the effective assistance of counsel's council, counsellor, (counselling, counselled).
- (84) Defendant has being denied his right food to eat:
 Sweet meat, Sweet-williams, oranges, apple, necessity,
 Plantain mango, Curry-goat, Curry chicken, Sheep-meat
 all food, and meat well done, like Hebrew, Israelite
 cooking. I am a holy man of God, a true Nazarite,
 I believe that the sabbath, the day of rest should be
 kept. Jesus christ said think not that I come to
 destroy my father laws but to fulfill them, as the
 Prophecy, A Rabbi can help the court in this case,
 how a holy man of christ should be treated, to
 respect the holy day, of the holy one of Israel.
 On that day is not a Sunday, The Pope change the
 Sabbath day. I am going to repeat a few words
 of Jesus christ to the Supreme court, MATTHEW 12:5 or
 have ye not read in the law, how that on the sabbath
 days the priests in the temple profane the Sabbath, and
 are blameless?
 6 But I say unto you, That in this place is one greater
 than the temple. 7 But if ye had known what this
 meaneth, I will have mercy and not sacrifice, ye
 would not have condemned the guiltless.
 8 For the son of man is Lord even of the sabbath
 day.

SUPERIOR COURT
OF THE
STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 10400
WILMINGTON, DELAWARE 19801-3733
TELEPHONE (302) 255-0670

May 31, 2005

Sylvester Miller
Howard R. Young Correctional
Wilmington, DE

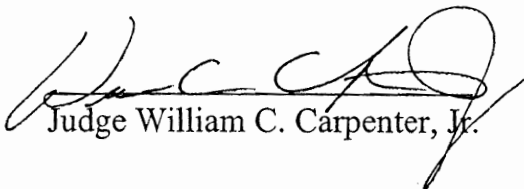
RE: State v. Sylvester Miller
ID No. 0408012099

Dear Mr. Miller:

The Court is in receipt of your letter of May 12, 2005 requesting a copy of the transcript in this matter as well as asking the Court to look into the case since you believe you were unfairly found guilty by the jury. You are presently set for sentencing before me on June 17, 2005, and the Court will not take any action prior to that date. If you have a concern about your case, you should discuss it with your counsel, Mr. Facciolo and discuss any appellate grounds that might be pursued on your behalf. As far as I remember, the case was appropriately handled, and there is no reason to attack the jury verdict. If the case is appealed, transcripts will be prepared for Mr. Facciolo to use in the appeal.

I would suggest that you concentrate your energies in cooperating with Mr. Facciolo concerning your upcoming sentencing date.

Sincerely yours,


Judge William C. Carpenter, Jr.

WCCjr:twp

cc: Prothonotary

Abuse of Discretion by the honorable court, IN
violation defendant 5th and 14th Amendment's rights

SUPERIOR COURT
OF THE
STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 10400
WILMINGTON, DELAWARE 19801-3733
TELEPHONE (302) 255-0670

July 26, 2005

Sylvester Miller
Howard R. Young Correctional
Wilmington, DE

RE: State v. Sylvester Miller
ID No. 0408012099

Dear Mr. Miller:

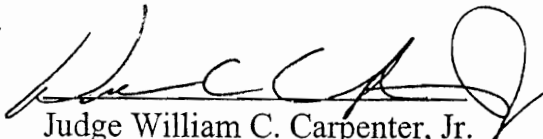
I am in receipt of your letter filed with the Prothonotary on July 12, 2005 requesting that the Court consider appointing different counsel to represent you in the appeal of this matter. Based upon the information you have provided, the Court is going to deny your request.

Clearly Mr. Facciolo is in the best position to present the appeal issues regarding your case. Simply because you are dissatisfied with Mr. Facciolo's efforts and results in this case does not provide justification to appoint you new counsel. The conduct of Mr. Facciolo and whether it met the appropriate standard for representation is not an issue that can be addressed on direct appeal of your conviction and must wait a Rule 61 petition. If we get to that point, the Court would again consider your request for different counsel.

I would again suggest that you direct your energies towards assisting Mr. Facciolo in the appeal in this matter. You do have the right to represent yourself on appeal, but in the Court's opinion, that would be an unwise decision.

Sincerely yours,

Ineffective Assistance of Counsel
Conflict of interest.


Judge William C. Carpenter, Jr.

WCCjr:twp

cc: Mark Chernev, Esquire
David Facciolo, Esquire
Prothonotary

Office of Disciplinary Counsel

SUPREME COURT OF THE STATE OF DELAWARE

Carvel State Office Building
820 North French Street, 11th Floor
Wilmington, Delaware 19801
(302) 577-7042
(302) 577-7048 (Fax)

ANDREA L. ROCANELLI
Chief Counsel

MICHAEL S. MCGINNISS
PATRICIA BARTLEY SCHWARTZ
Disciplinary Counsel

October 1, 2006

CONFIDENTIAL

Mr. Sylvester Miller (# 532861)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Re: **ODC File No. C07-6-6 (David J. J. Facciolo, Esquire)**

Dear Mr. Miller:

The Office of Disciplinary Counsel has received your complaints against David J. J. Facciolo, Esquire, who represented you in connection with a criminal prosecution. This Office cannot intervene in a criminal proceeding for any reason. Furthermore, for your general information, this Office has no authority to vacate a conviction, reduce a sentence, or appoint counsel to represent a defendant or grant any other type of substantive relief. We cannot direct the Public Defender's Office or the Court to remove or assign an attorney to a criminal defendant's case. This Office cannot assign an attorney to represent a criminal defendant. More importantly, this Office does not adjudicate claims of ineffective assistance of counsel. This Office does not conduct a disciplinary evaluation or investigation for complaints such as yours because this Office has no jurisdiction to affect your criminal matter.

Your claim is that your attorney has failed to effectively represent you in that he did not obtain the records or file appropriate motions, as well as his failure to make certain objections at trial. Where a complaint filed with this Office relates to alleged ineffective assistance of counsel, as your complaint does, this Office sends the complaint to the criminal defense attorney for appropriate action. This Office does not conduct a disciplinary evaluation or investigation for complaints such as yours because this Office has no jurisdiction to affect your criminal matter. Postconviction remedies are available to the criminal defendant for that purpose.

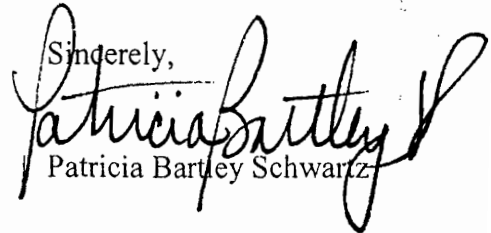
Mr. Sylvester Miller

October 1, 2007

Page 2

CONFIDENTIAL

By copy of this letter with your complaint to Mr. Facciolo, as well as his supervisor, J. Brendan O'Neill, Esquire, I am asking that they promptly evaluate your complaint and take any action they deems appropriate, including contacting you to discuss your concerns. **(However, I am not requesting a written response.)** Pursuant to the authority of this Office under Rule 9(a) of the Delaware Lawyers' Rules of Disciplinary Procedure, this matter is now closed.

Sincerely,

Patricia Bartley Schwartz

PBS:mid

cc: David J. J. Facciolo, Esquire (w/ enc.)
J. Brendan O'Neill, Esquire (w/ enc.)

Certificate of Service

I, SYLVESTER MILLER, hereby certify that I have served a true

And correct cop(ies) of the attached: Motion FOR Counsel's, Motion FOR
extention of time, Motion FOR Dismissal of false. D. I. upon the following
parties/person (s):

TO: CATHY L. HOWARD, Clerk
SUPREME COURT BUILDING
55 THE GREEN
DOVER DE 19901
P.O. BOX 476
DOVER DE 19903

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 2 day of January, 2008

Sylvester miller

Certificate of Service

I, Sylvester Miller, hereby certify that I have served a true
And correct cop(ies) of the attached: Amend Motion for habeas
Corpus relief. upon the following
parties/person (s):

TO: Office of the Clerk
United States District
Court, 844 N. King Street
Lockbox 18
Wilmington, Delaware 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 10 day of July, 2008

Sylvester Miller

IM: Lyndee Miller
SBI# 00532861 UNIT F-6
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570



15-3